MAY 2 5 2005 B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DALIC /	application of.	
Stéph	ane SABELLE et al.) Group Art Unit: 1751
Applic	ation No.: 10/603,831)) Examiner: Eisa B. Elhilo
Filed:	June 26, 2003))
For:	COMPOSITION FOR DYEING KERATIN FIBERS, COMPRISING AT LEAST ONE PARA- PHENYLENEDIAMINE DERIVATIVE COMPRISING A PYRROLIDYL GROUP SUBSTITUTED WITH A SILYL RADICAL) Confirmation No.: 4083)))))

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed concurrently with a Request for Continued Examination.

Copies of the listed foreign and non-patent literature documents are attached.

Copies of U.S. patents, patent publications, and co-pending applications which are available on the Image File Wrapper System are not enclosed.

The United States Court of Appeals for the Federal Circuit held in *Dayco*Products, Inc. v. Total Containment, Inc., 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir.

2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants are not representing that the office actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive office actions filed in co-pending applications on the attached form.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The following is a statement regarding the non-English language documents:

- 1. <u>DE 100 34 617 A1</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 2. <u>DE 195 43 988</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is believed to be related to U.S. Patent No. 5,766,576.
- 3. <u>DE 23 59 399</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is believed to be related to U.S. Patent No. 4,003,699.
- 4. <u>DE 38 43 892</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is believed to be related to U.S. Patent No. 5,061,289.

- 5. <u>DE 41 33'957</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is believed to be related to U.S. Patent No. 5,380,340.
- 6. <u>DE 42 34 886 A1</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 7. **DE 42 41 532** An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 8. <u>EP 0 488 909</u> This document is believed to be related to U.S. Patent No. 5,249,740, submitted herewith.
- 9. <u>EP 0 714 954</u> This document is believed to be related to U.S. Patent No. 5,708,151, submitted herewith.
- 10. <u>EP 0 770 375</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 11. <u>EP 1 018 508 A1</u> This document is believed to be related to U.S. Patent No. 6,464,734.
- 12. <u>FR 1 400 366</u> This document is believed to be related to British PatentNo. GB 1 021 400, which is submitted herewith.
- 13. FR 2 075 583 This document is believed to be related to U.S. Patent No. 3,758,309.
- 14. FR 2 270 846 This document is believed to be related to U.S. Patent No. 5,196,189.
- 15. FR 2 316 271 This document is believed to be related to U.S. Patent No. 4,608,250.



- 16. FR 2 320 330 An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 17. FR 2 336 434 An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 18. FR 2 413 907 This document is believed to be related to U.S. Patent No. 4,349,532.
- 19. FR 2 586 913 An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is believed to be related to U.S. Patent No. 4,823,985.
- 20. <u>FR 2 733 749</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is believed to be related to U.S. Patent No. 6,099,592.
- 21. FR 2 750 048 An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is believed to be related to U.S. Patent No. 6,099,593.
- 22. FR 2 766 178 A1 An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 23. FR 2 801 308 An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 24. <u>JP 11 071 247</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 25. <u>JP 11 292 745</u> This document is believed to be related to U.S. Patent No. 6,673,124 B2.

- 26. <u>JP 2-19576</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 27. <u>JP 4 235 909</u> This document is believed to be related to U.S. Patent No. 5,279,619.
- 28. <u>JP 5-163124</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 29. <u>JP 54 062 335</u> This document is believed to be related to British Patent No. GB 1 597 034, submitted herewith.
- 30. <u>JP 56 092 812</u> This document is believed to be related to U.S. Patent No. 4,996,059.
- 31. <u>JP 58-42045</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 32. <u>JP 59-162548</u> This document is believed to be related to U.S. Patent No. 4,500,548.
- 33. <u>JP 59-171956</u> This document is believed to be related to U.S. Patent No. 4,540,654.
- 34. <u>JP 59-98437</u> This document is believed to be related to U.S. Patent No. 6,099,592.
- 35. <u>JP 59-99437</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 36. <u>JP 60-172982</u> This document is believed to be related to U.S. Patent No. 4,621,046.

- 37. <u>JP 60-190779</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 38. <u>JP 60-33552</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 39. <u>JP 60-43659</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 40. <u>JP 61 165 315</u> This document is believed to be related to U.S. Patent No. 4,698,065.
- 41. <u>JP 6 199 642</u> This document is believed to be related to U.S. Patent No.5,494,490.
- 42. <u>JP 62-279337</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 43. <u>JP 6-236011</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 44. <u>JP 6 329 522</u> This document is believed to be related to U.S. Patent No. 5,344,463.
- 45. <u>JP 7-076509</u> This document is believed to be related to U.S. Patent No. 5,567,421.
- 46. <u>JP 7-244361</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 47. <u>JP 7 267 832</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

- 48. <u>JP 7 267 835</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 49. <u>JP 7-325375</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 50. <u>JP 7-36159</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 51. <u>JP 7-84348</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 52. <u>JP 7-92632</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 53. <u>JP 7-98489</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 54. <u>JP 8 034 714</u> This document is believed to be related to U.S. Patent No. 5,863,300.
- 55. <u>JP 8 231 359</u> This document is believed to be related to U.S. Patent No. 5,690,696.
- 56. <u>JP 88-169,571</u> It is believed that this is the Japanese application that resulted in issued Japanese Patent No. JP 2-19576, an English language Derwent abstract of which is submitted herewith. Applicants were not able to obtain a copy of this application.
- 57. **WO 94/08969** An English language abstract of the disclosure of this document can be found on the front of this document

- 58. <u>WO 94/08970</u> An English language abstract of the disclosure of this document can be found on the front of this document.
- 59. <u>WO 96/15765</u> An English language abstract of the disclosure of this document can be found on the front of this document.
- 60. **WO 98/01434** An English language abstract of the disclosure of this document can be found on the front of this document.
- 61. WO 98/20847 An English language abstract of the disclosure of this document can be found on the front of this document.
- 62. WO 98/38175 This document is believed to be related to U.S. Patent No. 6,165,230.
- 63. **WO 99/03819** An English language abstract of the disclosure of this document can be found on the front of this document.
- 64. <u>WO 99/11229</u> This document is believed to be related to U.S. Patent No. 6,379,396 B1.
- 65. **WO 99/17725** An English language abstract of the disclosure of this document can be found on the front of this document.
- 66. **E. Hannig et al.,** "Kurze Orginalmitteilungen", Die Pharmazie, is cited on page 27 of co-pending application no. 09/959,913.
- 67. **Hans Beyer et al.,** "Über die Pyrazolbidung aus α -Chlor-acetessigester und Thiocarbohydrazid", Chemische Berichte, is cited on page 24 of co-pending application no. 09/959,913.
- 68. **Giuliana Cardillo et al.**, "Sulle 1,2-difenil-3,5-dichetopirazolidine", Gazzetta Chimica Italiana, is cited on page 27 of co-pending application no. 09/959,913.

Customer No. 22,852 Application No. 10/603,831 Attorney Docket No. 05725.1220-00

- 69. **Lidia Wyżgowska, et al.,** "O ReakcjachTrikarboetoksymetanu", Acta Poloniae Pharmaceutica, is cited on page 27 of co-pending application no. 09/959,913.
- 70. <u>English language Derwent Abstract of DE 299 01 593</u> The reference DE 299 01 593 was previously submitted on January 11, 2005. Applicants now submit the Derwent abstract for consideration.
- 71. <u>English language Derwent Abstract of DE 299 02 262</u> The reference DE 299 02 262 was previously submitted on January 11, 2005. Applicants now submit the Derwent abstract for consideration.
- 72. English language Derwent Abstract of EP 0 943 614 B1 The reference EP 0 943 614 B1 was previously submitted on December 10, 2004.

 Applicants now submit the Derwent abstract for consideration.
- 73. English language Derwent Abstract of JP 1-115048 This Derwent Abstract was previously submitted on January 11, 2005, however it was not listed on the PTO form SB/08. Applicants respectfully request that the Examiner note that this reference was considered.
- 74. <u>English language Derwent Abstract of JP 11-158048</u> The reference JP 11-158048 was previously submitted on June 26, 2003. Applicants now submit the Derwent abstract for consideration.
- 75. French Search Report for FR 02/07939 This search report was previously submitted on June 26, 2003, however it was not listed on the PTO form 1449. Applicants respectfully request that the Examiner note that this reference was considered.

Customer No. 22,852 Application No. 10/603,831 Attorney Docket No. 05725.1220-00

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited document does not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

Dated: May 25, 2005

Deborah M. Herzfeld Reg. No. 52.211

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet	1	of	_11
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	Complete if Known
Application Number	10/603,831
Filing Date	June 26, 2003
First Named Inventor	Stephane SABELLE
Art Unit	1751
Examiner Name	Eisa B. ELHILO
Attorney Docket Number	05725.1220-00000



U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No.	Document Number Number-Kind Code (if known)	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	2,261,002	10/28/1941	Ritter	і ідигез Арреаі
	2	2,271,378	1/27/1942	Searle	
	3	2,273,780	2/17/1942	Dittmar	
	4	2,375,853	5/15/1945	Kirby et al.	
	5	2,388,614	11/6/1945	Kirby et al.	
	6	2,454,547	11/23/1948	Bock et al.	
	7	3,061,432	10/30/1962	Menzel et al.	
	8	3,206,462	9/14/1965	McCarty	
**	9	3,227,554	1/4/1966	Barr et al.	
*	10	3,419,391	12/31/1968	Young	
	11	3,725,067	4/3/1973	Bailey et al.	
	12	3,758,309	9/11/1973	Bailey et al.	
	13	3,874,870	4/1/1975	Green et al.	
	14	3,915,921	10/28/1975	Schlatzer, Jr.	
	15	3,926,631	12/16/1975	Arai et al.	
	16	3,929,990	12/30/1975	Green et al.	
	17	3,966,904	6/29/1976	Green et al.	
-	18	4,001,432	1/4/1977	Green et al.	
	19	4,003,699	1/18/1977	Rose et al.	
	20	4,005,193	1/25/1977	Green et al.	
	21	4,025,617	5/24/1977	Green et al.	
	22	4,025,627	5/24/1977	Green et al.	
	23	4,025,653	5/24/1977	Green et al.	
	24	4,026,945	5/31/1977	Green et al.	
	25	4,027,020	5/31/1977	Green et al.	
	26	4,128,425	12/5/1978	Greenwald	
	27	4,157,388	6/5/1979	Christiansen	
	28	4,349,532	9/14/1982	Vanlerberghe et al.	

Examiner	Date	-
Signature	Considered	

IDS Form PTO/SB/08: Substitute for form 1449A/PTO	Complete if Known			
	Application Number	10/603,831		
INFORMATION DISCLOSURE	Filing Date	June 26, 2003		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	First Named Inventor	Stephane SABELLE		
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(Use as many sheets as necessary)	Examiner Name	Eisa B. ELHILO		

Attorney Docket Number

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Examiner	Cite	Document Number	Issue or	Name of Patentee or	Pages, Columns, Lines, Where
Initials	No.	Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Applicant of Cited Document	Relevant Passages or Relevant Figures Appear
	29	4,390,689	6/28/1983	Jacquet et al.	
	30	4,500,548	2/19/1985	Silva	
	31	4,500,630	2/19/1985	Sato et al.	
	32	4,509,949	4/9/1985	Huang et al.	
	33	4,540,654	9/10/1985	Sato et al.	
	34	4,608,250	8/26/1986	Jacquet et al.	
	35	4,621,046	11/4/1986	Sato et al.	
	36	4,698,065	10/6/1987	Hoeffkes et al.	
	37	4,702,906	10/27/1987	Jacquet et al.	
	38	4,719,282	1/12/1988	Nadolsky et al.	
	39	4,823,985	4/25/1989	Grollier et al.	
	40	4,842,849	6/1/1989	Grollier et al.	
	41	4,996,059	2/26/1991	Grollier et al.	
	42	5,061,289	10/29/1991	Clausen et al.	
	43	5,135,543	8/4/1992	Chan et al.	
	44	5,196,189	3/23/1993	Jacquet et al.	
	45	5,249,740	10/5/1993	Serra Tosio et al.	
	46	5,256,526	10/26/1993	Suzuki et al.	
	47	5,278,034	1/11/1994	Ohki et al.	
	48	5,279,619	1/18/1994	Cotteret et al.	
	49	5,344,463	9/6/1994	Chan et al.	
	50	5,380,340	1/10/1995	Neunhoeffer et al.	
	51	5,441,863	8/15/1995	Tang et al.	
	52	5,457,210	10/10/1995	Kim et al.	
	53	5,494,490	2/27/1996	Audousset et al.	
	54	5,538,516	7/23/1996	Audousset et al.	
	55	5,567,421	10/22/1996	Cotteret et al.	
	56	5,690,696	11/25/1997	Bone et al.	

Examiner	Date	
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	No. Number-Kind Code (if known)	Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Applicant of Cited Document	Relevant Passages or Relevant Figures Appear	
	57	5,707,786	1/13/1998	Schmuck et al.		
	58	5,708,151	1/13/1998	Mockli		
	59	5,735,908	4/1/1998	Cotteret et al.		
	60	5,766,576	6/16/1998	Lowe et al.		
	61	5,769,903	6/1/1998	Audousset et al.		
	62	5,785,717	7/28/1998	Maubru et al.		
Î	63	5,863,300	1/26/1999	Audousset et al.		
	64	6,099,592	8/8/2000	Vidal et al.		
	65	6,099,593	8/8/2000	Terranova et al.		
	66	6,165,230	12/26/2000	Rose et al.		
	67	6,379,396	4/30/2002	Audousset		
	68	6,461,391	10/1/2002	Lim et al.		
	69	6,464,731	10/15/2002	Genet et al.		
	70	6,500,213	12/21/2002	Braun et al.		
	71	6,613,313	9/2/2003	Kimura		
	72	6,638,321 B1	10/28/2003	Genet et al.		
	73	6,673,124	1/6/2004	Laurent et al.		

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	FOREIGN PATENT DOCUMENTS							
Examiner Initials	Cite No.	Foreign Patent Document Country Code Number Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation		
	74	DE 100 34 617 A1	1/31/2002	Rose		Abstract		
	75	DE 195 43 988	5/28/1997	Lowe et al.				
	76	DE 23 59 399	6/12/1975	Rose et al.				
	77	DE 38 43 892	6/28/1990	Clausen et al.		·		
	78	DE 41 33 957	4/15/1993	Neunhoeffer et al.				
	79	DE 42 34 886 A1	4/21/1994	Neunhoeffer et al.		Abstract		

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Application Number 10/603,831

Filing Date June 26, 2003

First Named Inventor Stephane SABELLE

Art Unit 1751

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Initials	No.	Foreign Patent Document Country Code Number Kind Code (if known)	MM-DD-YYYY	Applicant of Cited Document	Lines, Where Relevant Passages or Relevant Figures Appear	vidiodadii
	80	DE 42 41 532	6/16/1994	Hagemann	удрос	Abstract
***	81	EP 0 119 860	9/26/1984	Sato et al.		
	82	EP 0 122 324	10/24/1984	Desai		
	83	EP 0 173 109	3/5/1986	Shay et al.		
	84	EP 0 216 479	4/1/1987	Farrar et al.		
	85	EP 0 244 160	11/4/1987	Kaneko et al.		
	86	EP 0 285 274	10/5/1988	Romanet et al.		
	87	EP 0 304 001	2/22/1989	Tachibana et al.		
	88	EP 0 456 226	11/13/1991	Suzuki et al.		
	89	EP 0 488 248	6/3/1992	Sato et al.		
	90	EP 0 488 909	6/3/1992	Chave et al.		
	91	EP 0 518 238	12/16/1992	Suzuki et al.		
	92	EP 0 557 851	9/1/1993	Hayashi		
	93	EP 0 578 248	1/12/1994	Yoneyama		
	94	EP 0 714 954	6/5/1996	Mockli		
-	95	EP 0 770 375	5/2/1997	Lorenz et al.		Abstract
	96	EP 0 962 452	12/8/1999	Lim et al.		
	97	EP 1 018 508 A1	7/12/2000	Genet et al.		
	98	FR 1 400 366	4/20/1965	Rouet		
	99	FR 2 075 583	10/8/1971	Eastman Kodak Co.		
	100	FR 2 270 846	12/12/1975	Jacques et al.		
	101	FR 2 316 271	1/28/1977	Jacquet et al.		
	102	FR 2 320 330	3/4/1977	Calgon Corp.		Abstract
	103	FR 2 336 434	7/22/1977	Ciba-Geigy AG		Abstract
	104	FR 2 413 907	8/3/1979	Vanlerberghe et al.		
	105	FR 2 586 913	3/13/1987	Grollier		
	106	FR 2 733 749	11/8/1996	Vidal et al.		

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	107	FR 2 750 048	12/26/1997	Terranova et al.		
	108	FR 2 766 178 A1	1/22/1999	Genet et al.		Abstract
	109	FR 2 801 308	5/25/2001	Birault et al.		
	110	GB 1 021 400	3/2/1966	L'Oreal		
	111	GB 1 026 978	4/20/1966			
	112	GB 1 153 196	5/29/1969			
	113	GB 1 458 377	12/15/1976	Bailey et al.		
	114	GB 1 597 034	9/3/1981	Halasz		
	115	GB 2 239 265	6/26/1991	Rau et al.		
	116	JP 11-071247	3/16/1999	KAO Corp.		Abstract
	117	JP 11-292745	10/26/1999	De la Mettrie et al.		
	118	JP 2-19576	1/23/1990	KAO Corp.		Abstract
	119	JP 4-235909	8/25/1994	Audousset et al.		
	120	JP 5-163124	6/29/1993	KAO Corp.		Abstract
	121	JP 54-062335	5/19/1979	Halasz		
	122	JP 56-092812	7/27/1981	Cauwet et al.		
	123	JP 58-42045	3/11/1983	Lestina		Abstract
	124	JP 59-162548	9/13/1984	Sato et al.		
	125	JP 59-171956	9/28/1984	Sato et al.		
	126	JP 59-98437	6/6/1984	Vidal et al.		
	127	JP 59-99437	6/6/1984	Furutachi et al.		Abstract
	128	JP 60-172982	9/6/1985	Sato et al.		
	129	JP 60-190779	9/28/1985	Fuji Photo Film Co.		Abstract
	130	JP 60-33552	2/20/1985	Fuji Photo Film Co.		Abstract
	131	JP 60-43659	3/8/1985	Fuji Photo Film Co.		Abstract
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First Named Inventor	Stephane SABELLE				
Art Unit	1751				
Examiner Name	Eisa B. ELHILO				
Attomey Docket Number	05725.1220-00000				

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Application Number	10/603,831					
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Examiner Name	Eisa B. ELHILO					
Attorney Docket Number	05725 1220-00000					

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